

In the Matter of)
) File No. 0000709383
Western Communications Services, Inc.)

⁵ See *Americatel Corp., Memorandum Opinion, Order, Authorization and Certificate*, 9 FCC Rcd. 3993, 3995 (1994); *Black Crow Wireless*, 16 FCC Rcd. at 15,644-45.

In the auctions context, the Wireless Telecommunications Bureau has adopted the general rule that a petitioner, to establish standing to challenge an application or license in a particular market, must demonstrate that it was qualified and eligible to bid in that market.⁶ JPJ was not a qualified bidder in the market that Western won.⁷ Accordingly, we dismiss the Petition for lack of standing.

3. Even if JPJ had demonstrated standing, we would dismiss the Petition as moot. JPJ contends that Western was ineligible to receive a bidding credit because its short-form application (FCC Form 175) was incomplete.⁸ On December 6, 2002, the Policy and Rules Branch of the Commercial Wireless Division rescinded Western's bidding credit.⁹ Accordingly, even if we were to consider the Petition on the merits, we would dismiss it as moot.

5. JPJ's arguments and alternative request for relief in its Petition suggest that its main complaint is the denial of its claim for bidding credits. A petition to deny another entity's application is not the appropriate vehicle for requesting reconsideration of the denial of the petitioner's request for a bidding credit. In this case, even if we were to consider JPJ's alternative request for reconsideration, we would dismiss it as untimely. Section 1.106(f) of the Commission's rules requires that petitions for reconsideration be filed within 30 days from the date of public notice of the challenged action.¹⁰ JPJ was notified that its request for bidding credits was denied on October 17, 2001.¹¹ The instant Petition was filed on April 17, 2002, six months after that action and well after the 30-day deadline for filing a petition for reconsideration.

III. Ordering Clause

6. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 0.331 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.939, the Petition to Deny filed by JPJ Electronic Communications, Inc. Rene Matthew Corporation on April 17, 2002 IS HEREBY DISMISSED.

Federal Communications Commission

Linda C. Ray
Deputy Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

⁶ Alaska Native Wireless, LLC, *Order*, 17 FCC Rcd. 4231, 4235-36 (WTB 2002); Radiofone Nationwide PCS, LLC and Harbor Wireless LLC, *Order*, 16 FCC Rcd. 792, 793 (CWD 2001).

⁷ Western won one license in Basic Economic Area ("BEA") 126. *See* Lower and Upper Paging Bands Auction Closes, *Public Notice*, DA 01-2858 (rel. Dec. 11, 2001). JPJ sought 308 licenses in BEA4, BEA5, BEA6, BEA7, BEA8, BEA9 and BEA10. *See* JPJ FCC Form 175, submitted October 3, 2001.

⁸ *See* Petition at 4-5.

⁹ *See* Letter from Amal A. Abdallah, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, to Richard S. Becker, dated December 6, 2002.

¹⁰ *See* 47 C.F.R. § 1.106(f).

¹¹ Letter from Kathy Garland, Chief, Auctions Operations Branch, Wireless Telecommunications Bureau to Joseph Rositano, President, JPJ Electronic Communications, dated October 17, 2001; Auction of Licenses for Lower and Upper Paging Bands; 193 Qualified Bidders, *Public Notice*, 16 FCC Rcd. 18,575 (2001) (released October 17, 2001).

